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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,855	11/14/2003	Kenneth S. Solovay	GCC-106-CP1	1888
35996	7590	03/16/2006	EXAMINER	
LOTT & FRIEDLAND, P.A. ONE EAST BROWARD BLVD. SUITE 1609 FORT LAUDERDALE, FL 33301			MILLER, CHERYL L	
			ART UNIT	PAPER NUMBER
			3738	

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,855

Applicant(s)

SOLOVAY, KENNETH S.

Examiner

Cheryl Miller

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments, filed January 6, 2006, with respect to the rejection(s) of claim(s) 1-5 under Borghi (US 6,056,775) in view of Clerc (US 6,860,900) have been fully considered. Applicant has argued that the motivation used (preventing restenosis) to combine the references does not exist in the references. The examiner agrees that preventing restenosis in vessels is not expressly recited in the references, and for this reason the previous rejection has been withdrawn. However, motivation *does* exist to combine the references and is cited below.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitations "said graft portion" and "said longitudinally spaced rings" in lines 1 and 3. There is insufficient antecedent basis for these limitations in the claim. It is suggested to change "said graft portion" to --said graft element--. It is suggested to change "said longitudinally spaced rings" to --said spaced circumferential rings--.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor et al. (US 6,083,257). Taylor discloses a rail stent graft (1; fig.1) comprising an elongated stent assembly comprising at least one vessel support element (proximal end of stent 4) *positionable* on a first side of a junction of two vessels (is capable of being positioned at such a location), an elongated stent-graft assembly comprising at least one vessel support element (distal end of stent 5) and at least one graft element (graft disclosed to cover entire stent 1, which includes the distal end; col.7, lines 30-38), the stent-graft assembly being *positionable* on a second side of a junction of two vessels (is capable of being positioned at such a location), and at least one rail element (one filament 3) extending between the stent assembly and the stent-graft assembly (see attachment 1), each assembly movable along and relative to the rail element (slidable, col.4, lines 27-30).

Taylor discloses circumferential rings (1st, 2nd, and 3rd supports, see attachment 2) spaced on an axis, wherein the rail element (filament 3) is received in the rings (attachment 1, 2).

Taylor discloses a plurality of vessel support elements (see attachment 2), wherein the supports are circumferential in cross-section.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borghi et al (US 6,056,775, cited previously) in view of Clerc et al. (US 6,860,900, cited previously). Borghi

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discloses a device (1) comprising an elongated stent assembly comprising at least one vessel support element (1Pa) positionable on a first side of a junction of two vessels, an elongated stent assembly comprising at least one vessel support element (1Pb), the assembly being positionable on a second side of a junction of two vessels (fig.4, 5), and at least one rail element (6) extending between the stent assemblies, each assembly (1Pa, 1Pb) movable along and relative to the rail element (6; col.5, lines 56-60). Borghi discloses a stent for branching a vessel junction substantially as claimed, however does not disclose a PTFE graft on the stent. Clerc teaches in the same field of stents, a stent (710) having two stent assemblies (730, 734) on either side of a vessel junction (fig.11, 12), similar to Borghi, and placement of a PTFE graft (750, 751; col.7, lines 44-46) on a stent assembly in order to provide further support for blood flow, shunting the flow along the stent path (col.7, lines 19-23; col.8, lines 47-51; col.9, lines 5-13, 37-40). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine Borghi's stent, with Clerc's teaching of using grafts with stents having similar structures as Borghi's, in order to provide a stent assembly with additional support for blood flow, by shunting the flow along the stent path, and not so much on the vessel wall.

Borghi discloses circumferential rings (7) spaced on an axis, wherein the rail element (6) is received in the rings (see figs). Borghi discloses a plurality of vessel support elements (7), wherein the supports are circumferential in cross-section.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Miller whose telephone number is (571) 272-4755. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on (571) 272-4755. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

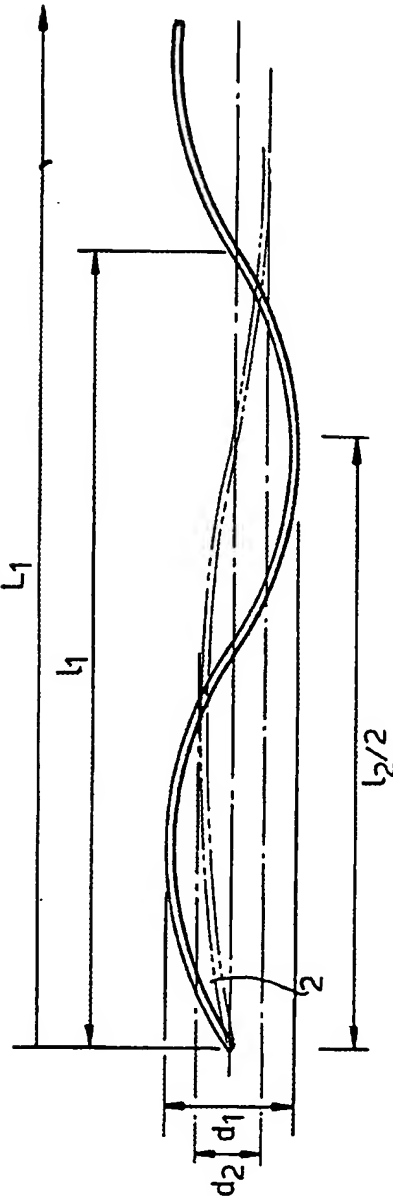
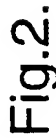


Cheryl Miller



BRUCE SNOW
PRIMARY EXAMINER

6,083,257



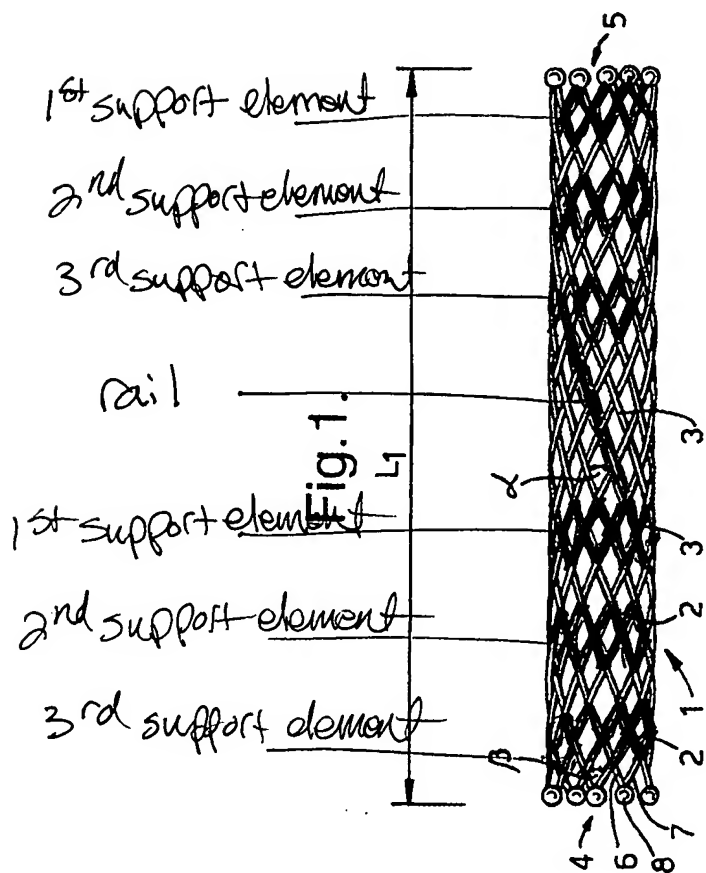


Fig. 2.

